

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	CASE NO. 8:23CR12
)	
Plaintiff,)	
)	MOTION TO DISMISS
v.)	
)	
GRANT CLAPP,)	
)	
Defendant.)	

The Defendant, Grant Clapp, hereby moves to dismiss the indictment against him for the following reasons:

1. The Defendant is charged in a four count indictment alleging that on November 12, 2022 he made false and fictitious statements to Cabellas and Scheels to obtain a .22 LR rifle. Specifically Mr. Clapp is alleged to have executed a Form 4473 Firearms Transaction Record indicating he was not under indictment or information in any court for any felony. Similarly, he is accused of making a false statement and representation with respect to information required to be maintained by these sporting goods companies.

2. The prosecution of the Defendant is barred by the Second Amendment to the Constitution of the United States. The provisions of 18 U.S.C. § 922(a)(6) and 924(a)(2) and 18 U.S.C. § 924(a)(1)(A) are unconstitutional as applied under the facts of this situation to Mr. Clapp.

3. A brief in support of this motion accompanies this motion.

4. The Defendant respectfully requests an oral argument on this motion.

WHEREFORE, the Defendant respectfully requests the Court to dismiss the indictment against him.

Respectfully submitted,

GRANT CLAPP, Defendant,

/s/ David R. Stickman

DAVID R. STICKMAN

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